

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: OCTOBER 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER:  
ANDREW S. FONFA**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/gt vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment within an established restaurant at 3641 West Sahara Avenue. The restaurant is 2,618 square feet in size with seating for 56 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. As this request meets all the Minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing shopping center, staff is recommending approval of this application. If denied the restaurant will be unable to serve alcoholic beverages.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i>	
07/17/96	The City Council approved a request for a Special Use Permit (U-0040-96) to allow a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign which exceeded the 40-foot height permitted at the subject site located at 3641 West Sahara Avenue. The Board of Zoning Adjustment recommended approval of the request but denied the height increase for the sign.
07/01/00	The City Council approved a request for a Required Review (RQR-33828) of a previously approved Special Use Permit (U-0040-96) for a 50-foot high, 14-foot by 48-foot Off-Premise sign at 3641 West Sahara Avenue. The Planning Commission recommended approval of the request and a condition change.
02/05/03	The City Council approved a request for a withdrawal without prejudice request for a Site Development Plan Review (SDR-1338) for a reduction of the perimeter landscape requirement for a proposed restaurant with drive through to be located at 3641 West Sahara Avenue. The Planning Commission recommended denial.
02/05/03	The City Council approved a request for a withdrawal without prejudice for a Variance (VAR-1337) to allow a zero foot side setback where ten feet is the minimum required for a proposed restaurant with drive through to be located at 3641 West Sahara Avenue. The Planning Commission recommended denial of the request.
05/23/05	The Planning Commission accepted a request for a withdrawal without prejudice request for a Rezoning [Z-0012-67(2)] a Site Development Plan Review and a Reduction in the amount of Required Perimeter Landscaping for a proposed 1,900 square foot retail building and a prefabricated water kiosk to be located at 3641 West Sahara Avenue.
01/30/07	A deed was recorded for change of ownership.
04/28/09	A Code Enforcement case (#77564) was processed to check landscaping, illegal sign, and graffiti. The case is still opened.
08/27/09	The Planning Commission voted 6-0-1/gt to recommend APPROVAL (PC Agenda Item #8/ao).

<b><i>Related Building Permits/Business Licenses</i></b>	
03/14/94	A building permit (#94322822) was issued for a new water stop kiosk at 3641 West Sahara Avenue. The permit expired on 09/10/94.
10/06/94	A building permit (#94350951) was issued for drain and water for aqua vending machine at 3641 West Sahara Avenue. The permit was completed on 11/09/94.
10/17/94	A building permit (#94352308) was issued for a renewal of permit for a new water stop kiosk at 3641 West Sahara Avenue. The permit was completed on 11/14/94.
10/11/95	A business license (#R09-00265) was issued for a restaurant with seating for 45 or more at 3641 West Sahara Avenue. The license expired on 06/16/08.
05/26/09	A business license (#R09-01507) was issued for a restaurant with seating for 45 or more at 3641 West Sahara Avenue. The license expired on 05/20/09.
<b><i>Pre-Application Meeting</i></b>	
07/01/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Beer/Wine/Cooler on Sale were discussed. Topics included: <ul style="list-style-type: none"> <li>The submittal of application materials, meeting dates, and deadlines were discussed.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one conducted.	
<b><i>Field Check</i></b>	
07/23/09	Staff conducted a field check of the subject site with the following observations: <ul style="list-style-type: none"> <li>A few of the on-site landscaping planters contained dead vegetation which needs to be replaced.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	.73 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Restaurant Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center / Parking Lot	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store / Gas Station	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,618 S F	1:100	26	1	43	2	Y
TOTAL (including handicap)	2,618 S F		27		45		

## ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 3641 West Sahara Road. The restaurant currently has 2,618 square-feet, with seating for 56 people. The proposed location is part of an established shopping center at the southeast corner of South Valley View Boulevard and Sahara Avenue, which supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores. The addition of a Beer/Wine/Cooler On-Sale Establishment use is ancillary to the existing restaurant within this shopping center, and is compatible with the existing and future land uses as specified by the General Plan. Because the Beer/Wine/Cooler On-Sale Establishment use is ancillary to the approved restaurant use, no additional parking is required. Therefore, staff recommends approval. The proposed Beer/Wine/Cooler On-Sale Establishment use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use is compatible with the SC (Service Commercial) General Plan designation and can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of the land use been proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Sahara Avenue, a 100-foot Primary Arterial, and Valley View Boulevard, an 80-foot Secondary Collector, as designated on the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit should not compromise public health, safety, or welfare as the proposed Beer\Wine\Cooler On-Sale Establishment use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Beer\Wine\Cooler On-Sale Establishment use complies with the Minimum Special Use Permit requirements set forth by Title 19.04.

**PLANNING COMMISSION ACTION**

There was one additional person in support at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 3

**NOTICES MAILED** 491 by City Clerk

**APPROVALS** 1

**PROTESTS** 1